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OCT 15 2004

PATENT
9D-HR-19764

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven Hilles Taylor et al.

Serial No.: 09/682,857

Filed: October 25, 2001

For: APPARATUS AND METHOD FOR ACTUATING
A MECHANICAL DEVICE

Group Art Unit: 3637

Examiner: James Orville Hansen

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Mail Stop: PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.181(a), and MPEP 711.03(b), Applicants hereby petition to Withdraw the Holding of Abandonment in the above-referenced Utility Patent Application for failure to reply to an Office Action. Specifically, a Notice of Abandonment was issued by the U.S. Patent and Trademark Office ("USPTO") on September 21, 2004. Based on this Notice, the application was abandoned because of Applicants' purported failure to reply to an Office Action mailed February 18, 2004.

The statutory response deadline for the Office Action was on, or before, May 18, 2004. Applicants respectfully submit that a response to the above Office Action (15 pgs.; consisting of: Certificate of Facsimile Transmission: 1 pg.; Amendment Transmittal: 3 pgs.; & Amendment: 11 pgs.) was in fact timely filed on Friday, April 16, 2004, at 16:24 CST by facsimile to USPTO facsimile number (703) 872-9306, and that the application is not in fact abandoned. A transmission report dated Friday, April 16, 2004 at 16:31 CST was generated following transmission stating "Transmission OK".

Via Facsimile: (703) 872-9306

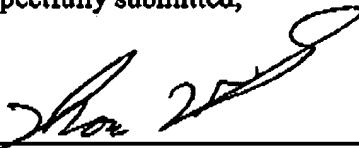
Submitted herewith are:

1. A copy of the originally filed AMENDMENT (11 pages).
2. A copy of the originally filed TRANSMITTAL (3 pages) and CERTIFICATE OF FACSIMILE TRANSMISSION TO THE COMMISSIONER OF PATENTS AND TRADEMARKS dated April 16, 2004 (1 pages).
3. A copy of the Transmission Report confirming transmission of 15 pages to the USPTO facsimile number (703) 872-9306 on Friday, April 16, 2004 at 16:24 CST.
4. A statement attesting by personal knowledge of the timely transmission.

Applicants respectfully submit that the above submissions are evidence of Applicants' timely filing of a response to the Office Action dated February 18, 2004. Therefore, Applicants respectfully request that the holding of abandonment be withdrawn and that the herewith submitted AMENDMENT be entered into the record as a timely filed response to the Office Action dated April 16, 2004.

Applicant believes that no fee is due for this petition under 37 C.F.R. § 1.181(a). If a fee is due, then the Commissioner is hereby authorized to charge the correct fee to Deposit Account No. 01-2384.

Respectfully submitted,



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